

FILED: August 2, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1721
(1:19-cv-00272-LCB-LPA)

MAXWELL KADEL; JASON FLECK; CONNOR THONEN-FLECK; JULIA
MCKEOWN; MICHAEL D. BUNTING, JR.; C.B., by his next friends and
parents; SAM SILVAINE; DANA CARAWAY

Plaintiffs - Appellees

v.

DALE FOLWELL, in his official capacity as State Treasurer of North Carolina;
DEE JONES, in her official capacity as Executive Administrator of the North
Carolina State Health Plan for Teachers and State Employees

Defendants - Appellants

and

NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE
EMPLOYEES; STATE OF NORTH CAROLINA DEPARTMENT OF PUBLIC
SAFETY

Defendants

No. 22-1730
(1:19-cv-00272-LCB-LPA)

MAXWELL KADEL; JASON FLECK; CONNOR THONEN-FLECK; JULIA
MCKEOWN; MICHAEL D. BUNTING, JR.; C.B., by his next friends and
parents; SAM SILVAINE; DANA CARAWAY

Plaintiffs - Appellees

v.

NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE
EMPLOYEES

Defendant - Appellant

and

DALE FOLWELL, in his official capacity as State Treasurer of North Carolina;
DEE JONES, in her official capacity as Executive Administrator of the North
Carolina State Health Plan for Teachers and State Employees; STATE OF
NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY

Defendants

O R D E R

Upon consideration of appellant North Carolina State Health Plan for Teachers' motion to deconsolidate and for limited remand, the court grants the motion, deconsolidates case No. 22-1721, *Maxwell Kadel v. Dale Folwell* from No. 22-1730, *Maxwell Kadel v. North Carolina State Health Plan for Teachers*, and

remands No. 22-1730, *Maxwell Kadel v. North Carolina State Health Plan for Teachers*, to the district court for the limited purpose of correcting portions of its Memorandum Opinion and Order.

The clerk shall forward a copy of this order, accompanied by a copy of the motion to remand, to the district court. This appeal shall remain on the active docket of this court and the parties shall file a status report on October 31, 2022, and every 90 days thereafter, and shall immediately notify this court when the district court proceedings have concluded.

For the Court

/s/ Patricia S. Connor, Clerk